

CITY OF ROCKVILLE PLANNING DIVISION
STAFF REPORT

October 30, 2003

SUBJECT:

Special Exception Application SPX2003-00335

Applicant: Realty Capital Partner, LLC
7600 Colshire Drive, Suite #215, McLean, Virginia 22102

Property
Owner: Sandy Spring National Bank of America
17801 Georgia Avenue, Oleny, Maryland 20832

Property
Location: 611 Rockville Pike, Rockville, Maryland 20852

Planning Commission Review Date: November, 5 2003
Board of Appeals Public Hearing Date: December, 6 2003

PREVIOUS RELATED ACTION:

Use Permit U-192-64, Montgomery Banking & Trust Company - a proposal to operate a banking operation in a temporary structure located in the (then) C-2 zone and (now) O-1 zone at the subject location, approved by the Planning Commission on January 7, 1965.

Use Permit U- 208-65, Victor R. Beauchamp - a proposal to construct an office building containing a bank in the then (C-2) zone and now O-1 zone at the subject location, approved by the Planning Commission on March 17, 1965.

Special Exception Application S-174-90, Jefferson Plaza III Limited Partnership - a request to provide drive-thru banking facilities at the existing bank located on the subject site in the O-1 zone, approved by the Board of Appeals on July 7, 1990. (Note: Expired due to lack of implementation)

Special Exception Application S-181-91, Jefferson Plaza III Limited Partnership - a request to install drive-thru banking facilities at the existing bank located on the subject site in the O-1 zone, approved by the Board of Appeals on April 6, 1991. (Note: Application similar to S-174-90 that expired due to lack of implementation.)

Use Permit U-484-91, Jefferson Plaza III Limited Partnership - proposal to construct drive-thru banking facilities for an existing branch bank office at the subject location in the O-1 zone, approved by the Planning Commission on July 24, 1991.

Special Exception Application SPX99-0283, Realty Capital Partners, LLC – a request to temporarily

relocated the site's banking operation and its drive-thru facilities elsewhere on site, as an interim measure while the subject property at 611 Rockville Pike is being redeveloped, approved by the Board of Appeals on April 8th 2000.

Special Exception Application SPX2000-00289, Realty Capital Partners, LLC – a request to modify previously approved special exception SPX99-0283. Said request proposed the temporary relocation of the site's banking operation and its drive-thru facilities elsewhere on site as an interim measure, while the property is to be redeveloped with a new office building, structured parking facilities, and permanent drive-thru facilities for the site's branch banking operation/s. Approved by the Board of Appeals on October 7th 2000.

Use Permit USE99-0600, Realty Capital Partners, LLC c/o John T. Kenney – a proposal to fully redevelop the subject property, temporarily relocate the site's banking operation and its drive thru facilities elsewhere on site, raze the existing two-story office building, construct a new five story office building, and a structured parking facility designed to accommodate 559 vehicles. Approved by the Planning Commission on November 29th 2000.

REQUEST:

The applicant seeks special exception approval to modify previously approved Special Exception Application SPX2000-00289. In accordance with previously approved SPX2000-00289, the applicant plans to temporarily relocate the site's banking operation and its drive-thru facilities as an interim measure while the subject property located at 611 Rockville Pike is being redeveloped. Under the redevelopment proposal, the applicant now plans to construct two (2) new office buildings and accompanying surface and structured on-site parking facilities. Once completed, the site's branch banking operation would be re-established and permanently located in the new office building that would be constructed under the applicant's first phase of the site development project (See Exhibits "2 & 4"). Also, the new (freestanding) drive-thru banking facilities that would be constructed under the first phase of the development project will be located in the southwest corner of the site fronting Fleet Street and Richard Montgomery Drive.

STAFF RECOMMENDATION:

Staff recommends the application and land use request be approved subject to the following conditions:

1. The proposed site development associated with the branch bank's temporary and permanent drive-thru facilities are to be constructed in accordance with the site and building plans submitted with the subject request.
2. Trees removed to accommodate development of the proposed branch bank facility must be

replaced in accordance with applicable requirements of the City's Forest and Tree Preservation Ordinance. Note, all proposed site landscaping must be in keeping with landscape/forest conservation plan/s to be approved under the project's subsequent use permit.

3. All proposed site development and improvements for the bank's proposed temporary and permanent drive-thru facilities must be constructed in accordance with the site and building plans submitted with the subject request, or as may be modified in the subsequent use permit approval by the Planning Commission.
4. At the determination of the City's Chief of Traffic and Transportation, appropriate (on-site) traffic control signage should be installed in and around the entrance and terminus of the bank's temporary and permanent drive-thru aisle locations, e.g., stop signs, pedestrian yield signs, do not enter, etc.
5. The temporary branch bank "modular building" facility must be completely removed from the subject site at the earliest of: a). within two (2) years of the occupancy of the temporary facility or b) within one (1) month of the occupancy of the first phase of development.

The northern area of the site vacated by the temporary banking operation is to be graded and readied for the planned last stage of site development, i.e., construction and completion of the proposed second office building, parking garage, and accompanying infrastructure. This must be done immediately after the temporary facility is removed.

6. All internal and external traffic control devices, such as signs, markings and devices placed on, over, or adjacent to a roadway or pathway to regulate, warn or guide pedestrians and vehicular traffic, shall comply with the latest edition of the Manual on Uniform Traffic Control Devices (MUTCD).
7. Landscaping for the temporary banking site must be provided and approved in consultation with the City Forester and/or as maybe amended with the Planning Commission's approval of the project's use permit.
8. Obtain permits for MSHA as needed. All plans for improvements in State right-of-way must be submitted to the City for review prior to submission to MSHA.
9. County impact tax must be paid prior to building permit issuance.
10. All internal and external traffic control devices (i.e., signs, marking and devices placed on, over, or adjacent to a roadway or pathway to regulate, warn, or guide pedestrians and vehicular traffic) shall comply with the latest edition of Manual on Uniform Traffic Control Devices (MUTCD).
11. Revise loading area. Describe truck access including turning movements for trucks and location

and access of solid waste containers and recycling. Describe truck type that will be accessing the site and the loading/trash removal operations.

12. A raised concrete median and modified lane configuration along Richard Montgomery Drive must be constructed. The implementation of this improvement will be made in two (2) phases.
 - a. In the first phase, an island will be constructed in Richard Montgomery Drive, southwest of the site's terrace driveway, providing an area of refuge for vehicles leaving the site.
 - b. At the sole discretion of the Director of Public Works, a second phase may be required for the completion of this improvement. In the second phase, the island will be reconfigured and a sign placed to prohibit left-turns onto the upper level parking deck; and
 - c. The Director of Public Works may require the applicant to build the second phase of the raised median at any time during project construction, up until six (6) months after the full development and occupancy of the site. The applicant must set a bond for both phases. The bond will not be released until both phases are constructed, if required or six (6) months after full occupancy of the site.
13. In agreement with current City policies to encourage the use of alternative modes of transportation, as opposed to driving alone, which helps to mitigate impacts where no physical improvements could be identified, the applicant must provide the following incentives or contributions:
 - a. An agreement must be executed between the applicant and the City of Rockville before the issuance of a building permit. This agreement will require the applicant to make a contribution of ten (10) cents a square foot of gross floor area of the proposed site development, for a period of ten (10) years. The funds will be used for various programs designed to reduce the number and impact of vehicles within the subject site planning area. The funds will be used for the purpose of Transportation Demand Management (TDM) and the requested agreement will specify the timing and other requirements of future payments of the TDM fee. These fees will be incorporated to the TDM capital improvement program funds of the City.
 - b. Provide a bicycle racks/lockers at a ratio of 1:50 parking spaces at a convenient and safe location, as approved by DPW at the time of engineering review. (1/2 lockers and 1/2 racks).
 - c. Reserve 5 percent of on-site parking spaces for car/vanpools, in priority locations and show location on site plan.
 - d. Provide shower facilities on-site for use by building tenants with second office building.
14. Additional streetlights must be provided and/or existing lights relocated, near or within close

proximity of all site driveway entrances.

15. Construct a five (5) foot wide sidewalk along the site's Fleet Street frontage as shown on the site plans. The sidewalk should be setback from the curb to allow for a grass and tree strip between the sidewalk and the roadway.
16. Remove and reconstruct a five (5) foot wide sidewalk along the site's Richard Montgomery Drive frontage as shown on the site plan. The sidewalk should be set back from the curb to allow for a grass and tree strip between the sidewalk, roadway, and future right-turn lane.
17. Proposed trees and other landscape materials must be planted/installed so as not to cause sight distance limitations at the curb along Fleet Street.
18. Provide sidewalk connection from Jefferson Plaza to temporary bank entrance.
19. Provide streetscape improvements along MD355 as per Rockville Pike Plan modified to accommodate bike facility identified in Bikeway Master Plan as approved by DPW.
20. A contribution of \$200,000 will be required from the applicant to mitigate their impact on the adjacent roadway network. This contribution will be in the form of cash, or the value of physical improvements/public services at the sole discretion of the Director of Public Works. This monetary contribution is in addition to all other needed contributions identified by staff through the traffic/transportation impact review process.
21. These funds must be paid to the City of Rockville prior to the issuance of a building permit for the second building. The use of these funds will be reserved towards the extension of Fleet Street, starting from Mount Vernon Place and extending to Ritchie Parkway. Part or all of these funds may be used for other site area street improvements as may be identified by the Department of Public Works (DPW). If the street improvements are other than the possible alternative improvements presented to the Planning Commission for this application, DPW will have to present final improvements to the Planning Commission. This presentation shall include information regarding the need or cause for making a different improvement including a description of the final improvements and a comparison with the original improvements.
22. Applicant shall dedicate (at the time of City need) to public use, right-of-way for provision of an exclusive right-turn lane (or other roadway improvements) along the site's Richard Montgomery Drive frontage, the area north of Fleet Street. The amount of land to be dedicated will be determined at the time final signature drawings are submitted.

ANALYSIS:

Property Description

The subject property has frontage on three (3) public streets, Rockville Pike on the north, Richard Montgomery Drive to the east, and Fleet Street to the south. The site is currently improved with a two-story office building, which is of masonry construction, with on-site surface parking facilities located on the north, west and south sides of the building. Vehicular access to the site is provided via dual site entrances on Richard Montgomery Drive, the northern driveway is “entrance only” and the southern driveway is “exit only”. The site currently has a single entrance on Fleet Street (See Exhibit “1”). The site’s topography slopes pronouncedly from the property’s frontage along Rockville Pike, downward towards its frontage along Fleet Street. The property is modestly landscaped and contains a variety of mature vegetation, ranging in species and size, i.e., hedges, shrubs, flowering and non-flowering plantings, an evergreen tree and several hardwood trees.

The subject property is approximately 116,980 square feet (2.68 acres) in size, zoned for O-1 (Office Building) land usage, and is bounded to the north, east, and south by institutional and commercial land uses and to the east by governmental and non-governmental office uses. The properties to the north and east of the site are zoned for RPC (Rockville Pike Commercial) land usage, to the south R-60 (single family detached, residential), and to the west zoned for O-1 (Office Building) land usage.

Land Use Request – Project Proposal

The applicant (Realty Capital Partners, LLC) has been authorized by the property owner (Sandy Spring National Bank) to file the subject special exception request, modifying the bank’s previously approved Special Exception SPX2000-00289. In keeping with previously approved SPX2000-00289, the applicant seeks special exception approval to relocate the site’s banking operation and its drive-thru facilities to a temporary location on the subject site as an interim measure, while the overall property is completely redeveloped.

The applicant still proposes to redevelop the existing office property in two (2) distinct phases. Under previously approved SPX2000-00289, the applicant proposed to construct a single (new) office, structured parking, and new customer drive-thru facilities for the site’s branch bank. Under that proposal, the branch banking operation would have been located on the ground level of the proposed new office building. Now, under the subject request, the ultimate development of the property is to include the construction of two (2) new office buildings totaling approximately 158,000 square feet, with structured parking facilities designed to accommodate approximately 570 vehicles. In the first phase of the development project, the applicant would vacate, discontinue use, and raze the existing office building that now houses the subject branch bank. The bank would be temporarily located in a modular/trailer type building structure, located in the northern area of the property. The interim banking operation will include on-site surface parking facilities for customers

and employees, and be accessed via a new vehicular site entrance on Fleet Street (See Exhibit "2"). Thus, banking operations and its customer drive-thru facility would be the only existing site office uses retained during the planned site redevelopment.

During the first phase of site redevelopment, a two-story (with a partial basement/terrace) office building, comprising approximately 31,500 square feet would be constructed in the southeast area of the site. Once completed, the branch bank's new office will occupy the terrace/first level of the building. In accordance with requirements of Section 25-395 of the Zoning Ordinance, a total of 115 on-site surface parking spaces would be constructed and located in the center area of the site, to accommodate the first phase office development. The bank's proposed new free standing drive-thru facilities would be constructed during this first phase and located in the southwest corner of the site, the same location as that approved under previously approved SPX2000-00289.

Upon completion of the first phase of the proposed site redevelopment project, all banking activities housed in the temporary structure would be terminated and relocated to its new office and site accommodations. The temporary branch bank building and its accompanying facilities would be removed to make way for the proposed phase-two component of the site redevelopment project. As noted, the branch bank and its new financial center would operate out of the first phase office building, supported by its new drive-thru customer banking facilities, containing three (3) drive aisles. As denoted on the project's site plan, one (1) drive-thru lane will be served by an ATM facility and the other two-(2) lanes served by bank staff working from indoor office (window) locations.

While not subject to special exception approval, the second phase of the site development project, proposes a four (4) story 126,500 square foot office (with retail) building would be constructed in the center area of the site, along with a six (6) level parking garage that would be located in the northern end of the site (See Exhibit "4").

However, in order to temporarily relocate the site's existing banking operations to the northern area of the site and later re-establish operations in the newly completed (phase one) office building and new customer drive-thru facilities as proposed herein, the applicant requests the special exception be approved as submitted.

Applicable Sections of the Zoning Ordinance & Staff Assessment

In accordance with Section 25-338 of the Ordinance the Board of Appeals shall not grant any petition for special exception unless it finds from a preponderance of the evidence of record that:

1. The proposed use does not violate or adversely affect the Master Plan, the Zoning Ordinance or any other applicable law; and

The existing and proposed use of the property is consistent with both the Master Plan's land use

designation and zoning classification of the site. Based on available information, the existing branch bank and accompanying drive-thru facilities have been in continuous operations on the subject site for well over ten (10) years. The land use designation of the subject property by the Plan is as "preferred office". As per Section 25-272(h) of the Ordinance, the purpose of the O-1 (Office Building) zone, which the subject property is presently zoned, "is to provide office space for private, quasi-public and public land uses and complementary service uses and to provide a transition between general commercial and residential uses." Based on the information provided, there is no evidence that the proposal to temporarily relocate the site's existing branch bank and accompanying drive-thru facilities and later re-establish said operations within the new phase-one office building would be adverse to the Plan, the Ordinance, or other applicable law. The request is submitted in accordance with Section 25-339(c) of the Ordinance. If approved the subject request would modify the bank's previously approved special exception SPX2000-00289, which allowed the branch banking operations to be relocated to newly constructed office space and served by new customer drive-thru banking facilities. Thus, the proposal as submitted, is found to be consistent with that previously approved for the subject property and site use/s.

2. The proposed use at the location selected will not: a) Adversely affect the health and safety of residents or workers in the area; or b) Overburden existing public services, including water, sanitary sewer, public roads, storm drainage and other public improvements; or c) Be detrimental to the use or development of adjacent properties or the neighborhood; and d) Change the character of the neighborhood in which the use is proposed, considering services currently required, population density, character and number of similar uses; and

The subject application request represents only one aspect of the proposal to redevelop the subject site. As previously noted, once the phase-one office building and proposed surface parking facilities are completed, the proposed temporary banking facility would be removed and all branch banking operations relocated to the terrace level of the new 31,500 square foot office building, along with its new customer drive-thru facilities. However, prior to said relocation of the branch banking operations to its proposed permanent office and site location, it is important that the interim banking use operates in a safe and efficient manner. For example, customers using the temporary bank's drive-thru facilities, should enter and leave the site safely and efficiently. As a condition approval, staff continues to recommend that appropriate directional and traffic control signage be installed in and around the temporary banking facility. Vehicular access to the temporary facility will be via a new site entrance on Fleet Street. As proposed, the new entrance will be located near a bend in the roadway, which will require vehicles enter/exit the site in a cautious manner. To insure that vehicles exiting the site from this Fleet Street entrance can do so in as safe a manner as possible, new traffic control signs will also need to be installed along that area of the roadway. These new signs should serve to inform motorist to slow down and be alert to vehicles entering the street, from the subject and neighboring properties in the area.

At present time the existing branch bank's customer drive-thru facilities is comprised of one (1)

drive-thru window, located at the rear southeast corner of the existing site office building. When fully operational from its new permanent phase-one office location, the bank's new drive-thru facilities will be located in a separate freestanding drive-thru structure. The new facility will have three-(3) drive thru lanes, one (1) ATM facility and two (2) conventional drive-thru teller lanes. Staff has found no evidence the new three-(3) lane drive-thru facility would generate vehicular traffic that will overburden or adversely impact site area roadways. In accordance with previously approved SPX2000-00289, the proposed new customer drive-thru banking facility has been designed to allow customer vehicles exiting the facility, adequate stacking area in the drive aisles, when attempting to leave this site.

As shown on the project's site plan, the drive aisle areas where vehicles exit the drive-thru of the proposed permanent drive-thru facilities will have stacking sufficient space to allow vehicles to stagger and alternate lane departures. Unencumbered ingress and egress of vehicles attempting to enter/exit the site's drive-thru banking facilities should help limit potential disruption of site circulation in/around said facilities. In its previous approval of SPX2000-00289, it was the determination of the Board of Appeals that neither the temporary nor the proposed new office building location of the site's branch bank operation and drive-thru facilities, would be detrimental to the current use or future development of neighboring properties.

The applicant submitted and staff reviewed a traffic impact study submitted with the site's previously approved special exception and use permit (ref. SPX2000-00289 and USE99-0600). The study examined potential impacts that site generated vehicular traffic would have on respective site area roadways and street intersections. Staff's review and assessment of the study's findings (at that time) determined what level of improvements and/or monetary contributions the applicant should provide in order to mitigate (where possible) such impacts that site generated traffic would have on site area roadways. Thus, in response to staff's previous assessment, the applicant's site plans incorporate and reflect site frontage improvements that were found to be necessary to insure that site vehicular ingress and egress is safe, efficient, and does not impede traffic flow in and around the subject site area. To insure that the bank's new office operations and accompanying drive-thru facility, including other planned office and retail site uses, do not overburden public improvements within the site area, the applicant will be required to fully comply with all applicable conditions of approval imposed by the Board of Appeals and/or Planning Commission in their respective actions with regard to the subject special exception request or required use permit.

Although the planned relocation of the branch bank and drive thru facilities would not require major upgrade or retrofit of site utilities, it has been determined in staff's previous reviews of similar site development proposals that such upgrades will be needed to accommodate the applicant's full site redevelopment. It has been determined that the level of water and sewer services needed to accommodate the proposed overall site development, will be much greater than those that now serve the site's existing two (2) level office building. Existing storm drainage infrastructure located in and around the site area will be modified and/or improved to accommodate the additional stormwater

runoff created by the planned site build-out. The applicant will be required to work with staff to amend the project's previously approved stormwater management and sediment-erosion control plans, approved under the project's previously approved referenced special exception and use permit. Based on the request as submitted, there is no indication that the availability and/or delivery of public services within the site area will be substantially altered or reduced due to the planned modification and improvement's to the site's branch bank operations. While the overall scale of the planned site redevelopment project will be much more intensive than the current site office use, the planned site use/s will be in keeping with the similar land uses located within the site area, i.e., office, institutional, and commercial land uses.

While it is anticipated that the new banking facilities will provide its customers a greater variety of services, the applicant has affirmed that it will continue to conduct its banking operations much as it has for the past several years. Although there are no other similar financial institution uses located adjacent to the subject site, those that are located further to the north and south on Rockville Pike should not be adversely impacted by the proposed temporary relocation and planned re-establishment of the site's banking operation and drive-thru facilities. As proposed, the applicant's new facilities are intended to enhance banking services within this area of the city. Again, due to the commercial nature of the planned site use, coupled with the existing land use and development patterns of the site area, there is no evidence the applicant's modified special exception proposal will materially alter or adversely impact the existing residential densities in the surrounding site area. Since the "office of banks having drive-in facilities for the transaction of business from motor vehicles" is permit in the O-1 zone only by grant of special exception approval, the proliferation of similar land uses within the site area is highly unlikely.

3. The proposed use complies with all requirements of the ordinance that are applicable thereto.

In accordance with Section 25-339(c) of the Zoning Ordinance, the applicant submits the subject application request, attempting to satisfy applicable requirements of the ordinance. While staff finds the request and accompanying development proposal as submitted meets all requirements of the Zoning Ordinance at this conceptual phase of the special exception review process, a thorough review of the applicant's overall site redevelopment proposal will occur at the project's use permit review stage.

Lastly, in addition to the afore noted findings the Board is required to make in its consideration of this application request, *as per Section 25-354(b) of the Ordinance, the Board is required to make the following additional finding:*

The proposed use is necessary to the convenience of businesses and employees in the surrounding area.

The previous owner of the property (Jefferson Plaza III Limited Partnership) was granted special exception approval (ref. S-181-91) to establish drive-thru banking facilities for the existing site branch bank, by the Board of Appeals in April 1991. The existing Sandy Spring Branch Bank with its customer drive-thru component, has been operational and serving customers for nearly 10 years and as such has established itself as a viable financial institution within the community. Due to its longevity at its current location, it is obvious that the banking services provided are needed and beneficial to businesses and individuals working and/or living in the subject site area. The planned temporary relocation of its branch office and ultimate re-establishment in the new phase-one office building, along with its new expanded customer drive-thru facility are intended to insure greater choice and access to banking services within the site area.

Based on all of the noted factors, coupled with the site's most recent special exception and use permit approvals, staff finds adequate justification to recommend Special Exception SPX2003-00335 be approved subject to compliance with the conditions referenced on pages two and three of this staff report.

COMMUNITY NOTIFICATION PROCESS

Notification cards were sent to abutting property owners informing them of the application request and pending Planning Commission meeting and Board of Appeals public hearing, at which time the request will be publicly heard and considered. Notices were sent to 527 property owners located within the site area. A list of addressees is contained in the project's file, available for public review and inspection.

/cdc

Attachments

Attachment A – SPX2000-00289 Approval Letter
Exhibit “1” – Existing Site Topography & Layout
Exhibit “2” – Proposed Site Plan – Phase One
Exhibit “3” – Proposed Landscape Plan
Exhibit “4” – Site Plan of Proposed Site Build-Out
Exhibit “5” – Phase Two Landscape Plan
Exhibit “6” – Site Subdivision Plat
Exhibit “7” – Proposed Customer Drive-Thru Facility
Exhibits “8 & 9” – Building Floor Plans
Exhibits “10 thru 13” – Building Elevation Drawings